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31A-23a-202 Continuing education requirements.

- (1) Pursuant to this section, the commissioner shall by rule prescribe the continuing education requirements for a producer and a consultant.
- (2)
 - (a) The commissioner may not state a continuing education requirement in terms of formal education.
 - (b) The commissioner may state a continuing education requirement in terms of hours of insurance-related instruction received.
 - (c) Insurance-related formal education may be a substitute, in whole or in part, for the hours required under Subsection (2)(b).
- (3)
 - (a) The commissioner shall impose continuing education requirements in accordance with a two-year licensing period in which the licensee meets the requirements of this Subsection (3).
 - (b)
 - (i) Except as provided in this section, the continuing education requirements shall require:
 - (A) that a licensee complete 24 credit hours of continuing education for every two-year licensing period;
 - (B) that 3 of the 24 credit hours described in Subsection (3)(b)(i)(A) be ethics courses; and
 - (C) that the licensee complete at least half of the required hours through classroom hours of insurance-related instruction.
 - (ii) An hour of continuing education in accordance with Subsection (3)(b)(i) may be obtained through:
 - (A) classroom attendance;
 - (B) home study;
 - (C) watching a video recording;
 - (D) experience credit; or
 - (E) another method provided by rule.
 - (iii)
 - (A) Notwithstanding Subsections (3)(b)(i)(A) and (B), an individual title insurance producer is required to complete 12 credit hours of continuing education for every two-year licensing period, with 3 of the credit hours being ethics courses unless the individual title insurance producer is licensed in this state as an individual title insurance producer for 20 or more consecutive years.
 - (B) If an individual title insurance producer is licensed in this state as an individual title insurance producer for 20 or more consecutive years, the individual title insurance producer is required to complete 6 credit hours of continuing education for every two-year licensing period, with 3 of the credit hours being ethics courses.
 - (C) Notwithstanding Subsection (3)(b)(iii)(A) or (B), an individual title insurance producer is considered to have met the continuing education requirements imposed under Subsection (3)(b)(iii)(A) or (B) if the individual title insurance producer:
 - (I) is an active member in good standing with the Utah State Bar;
 - (II) is in compliance with the continuing education requirements of the Utah State Bar; and
 - (III) if requested by the department, provides the department evidence that the individual title insurance producer complied with the continuing education requirements of the Utah State Bar.

- (c) A licensee may obtain continuing education hours at any time during the two-year licensing period.
- (d)
 - (i) A licensee is exempt from continuing education requirements under this section if:
 - (A) the licensee was first licensed before December 31, 1982;
 - (B) the license does not have a continuous lapse for a period of more than one year, except for a license for which the licensee has had an exemption approved before May 11, 2011;
 - (C) the licensee requests an exemption from the department; and
 - (D) the department approves the exemption.
 - (ii) If the department approves the exemption under Subsection (3)(d)(i), the licensee is not required to apply again for the exemption.
- (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall, by rule:
 - (i) publish a list of insurance professional designations whose continuing education requirements can be used to meet the requirements for continuing education under Subsection (3)(b);
 - (ii) authorize a continuing education provider or a state or national professional producer or consultant association to:
 - (A) offer a qualified program for a license type or line of authority on a geographically accessible basis; and
 - (B) collect a reasonable fee for funding and administration of a continuing education program, subject to the review and approval of the commissioner; and
 - (iii) provide that membership by a producer or consultant in a state or national professional producer or consultant association is considered a substitute for the equivalent of two hours for each year during which the producer or consultant is a member of the professional association, except that the commissioner may not give more than two hours of continuing education credit in a year regardless of the number of professional associations of which the producer or consultant is a member.
- (f) A fee permitted under Subsection (3)(e)(ii)(B) that is charged for attendance at a professional producer or consultant association program may be less for an association member, on the basis of the member's affiliation expense, but shall preserve the right of a nonmember to attend without affiliation.
- (4) The commissioner shall approve a continuing education provider or continuing education course that satisfies the requirements of this section.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commissioner shall by rule set the processes and procedures for continuing education provider registration and course approval.
- (6) The requirements of this section apply only to a producer or consultant who is an individual.
- (7) A nonresident producer or consultant is considered to have satisfied this state's continuing education requirements if the nonresident producer or consultant satisfies the nonresident producer's or consultant's home state's continuing education requirements for a licensed insurance producer or consultant.
- (8) A producer or consultant subject to this section shall keep documentation of completing the continuing education requirements of this section for two years after the end of the two-year licensing period to which the continuing education applies.